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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,366	08/24/2001	Jeffrey D. Ollis	D2653	1579
27774	7590	06/29/2005		
MAYER, FORTKORT & WILLIAMS, PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090			EXAMINER PHUNKULH, BOB A	
			ART UNIT 2661	PAPER NUMBER

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/938,366	OLLIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bob A. Phunkulh	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 January 2002 and 24 August 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
  - 10) The drawing(s) filed on 24 August 2001 and 10 January 2001 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because some hand written notations are not readable, and some of the typed notations are not clearly typed i.e. figure 5A-5B . Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 20-35, 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Jin (US 2002/0037001).

Regarding claims 1 and 38, Jin discloses a method for connecting a plurality of devices which have a common telephone number and which are connected to a network (HFC network, see figure 1 and paragraph 18), comprising the steps of:

looking up the telephone number in a table that associates the telephone number with a plurality of devices having an address (the agent 13 translate the telephone number to IP address, see paragraph 17);

establishing a connection with at least one of said devices (as shown in figure 1, if the any of the phones 24 connected to CG 17 want to communicate with any of the phones 24 connected to CG 18 over IP network 12 for VOIP connection, connection is set up between the network 12 and the phone 24, see figure 1);

establishing a bridge between that device and a secondary device (each of the CG 17 or 18 function as bridge between caller i.e. phone 24 connected to CG 1 and callee 24 connected to CG 18, see figure 1).

Regarding claim 2, Jin discloses looking up the telephone number in a table is performed by a call agent (call agent 13, see figure 1 and paragraph 17).

Regarding claim 3, each device has a unique address (it is known in the art that each telephone device has assigned an unique number).

Regarding claim 4, each device has a unique domain name (in paragraph 4 Jin discloses the VOIP telephones communicate with existing traditional telephones –it is known in the art that each traditional telephone has assigned an unique number i.e. telephone number and each VOIP telephone or IP telephony has assigned an unique IP address).

Regarding claim 5, Jin discloses the communication devices 24 are connected to gateways 17 or 18 (see figure 1).

Regarding claim 6, Jin discloses the call agent contacts a gateway, which establishes a connection with a first device (see paragraph 17).

Regarding claim 7, Jin discloses the gateway contacted by the call agent establishes a bridge to a second gateway, to which a second device is attached (the call agent 13 contracted CG 17 and CG 18 to complete the call between the telephone connected to the CG 17 and the telephone connected to CG 18, see paragraph 17 and

figure 1).

Regarding claim 8, Jin discloses the first gateway mixes information from both at least one device attached to the first gateway and at least one device attached to the second gateway (the CG 18 includes MUX 34 for multiplexing the information from the device attached to the CG 17 and the information from the devices attached to the CG 18, see figure 2).

Regarding claim 9, Jin discloses the devices comprise a voice-only telephone (telephony services, see paragraph 16).

Regarding claim 10, Jin inherently discloses the device comprise a video telephone (CG 18 is connected to different types of telephone devices 24 i.e. video phone, see paragraph 19).

Regarding claim 11, Jin inherently discloses the devices comprise at least one voice-only telephone attached a first gateway, and at least one video telephone attached to a second gateway (CG 17 is connected to at least existing traditional telephone 24 via link 15 (see paragraph 20); and the CG 18 is connected to different types of telephone devices 24 i.e. video phone, see paragraph 19).

Regarding claim 12, Jin discloses Voice over Internet Protocol is used to communicate with the devices (see paragraphs 16-17).

Regarding claim 13, Jin discloses the connection to the devices is established using media gateway control protocol (the agent 13 uses MGCP protocol for connection, see paragraph 17).

Regarding claim 14, Jin discloses the network is attached to the Internet (the HFC network is attached to the Internet 12, see figure 1 and paragraph 16).

Regarding claim 15, Jin discloses the network attached to the Internet is an Internet Protocol network (see paragraph 17).

Regarding claim 20, the bridge is established via a cable modem termination system (the bridge is established via CMTS 14, see figure 1).

Regarding claim 21, the bridge is established by whichever device is first answered (as shown in figures 1, and 5, the CG 17 is coupled to the telephones 24 within a house or an office, if one of the first telephones 24 answer the incoming call, the agent 13 will establish the connection with the answered device).

Regarding claim 22, Jin discloses the bridge is established via an Ethernet connection between the devices (the link 16 is Ethernet connection, see paragraph 21).

Regarding claim 23, Jin discloses the bridge conveys audio information (voice, see paragraph 18).

Regarding claim 24, Jin discloses the bridge conveys video information (Cable or TV applications, see paragraph 18).

Regarding claim 25, Jin discloses An apparatus for connecting a plurality of devices which have a common telephone number and which are connected to a network, comprising:

a call agent that associates the telephone number with a plurality of devices, each of which has a unique domain name (see paragraph 17);

a network for establishing a connection with at least one of said devices (the IP network 12 for connecting the phones 24, see figure 1); and

a bridge between that device and a secondary device (the CG 17 or CG 18 or CMTS 14 function as a bride, see figure 1).

Regarding claim 26, Jin discloses gateways to which the devices are connected (the telephones 24 are connected to either CG 17 or CG 18, see figure 1).

Regarding claim 27, Jin discloses the call agent contacts a gateway, which establishes a connection with a first device (see figure 1 and paragraph 17).

Regarding claim 28, the gateway contacted by the call agent establishes a bridge to a second gateway, to which a second device is attached (the call agent 13 contracted CG 17 and CG 18 to complete the call between the telephone connected to the CG 17 and the telephone connected to CG 18, see paragraph 17 and figure 1).

Regarding claim 29, Jin discloses the first gateway mixes information from both at least one device attached to the first gateway and at least one device attached to the second gateway (the CG 18 includes MUX 34 for multiplexing the information from the device attached to the CG 17 and the information from the devices attached to the CG 18, see figure 2).

Regarding claim 30, Jin discloses the devices comprise a voice-only telephone (telephony services, see paragraph 16).

Regarding claim 31, Jin inherently discloses the device comprise a video telephone (CG 18 is connected to different types of telephone devices 24 i.e. video phone, see paragraph 19).

Regarding claim 32, Jin inherently discloses the devices comprise at least one voice-only telephone attached a first gateway, and at least one video telephone attached to a second gateway (CG 17 is connected to at least existing traditional telephone 24 via link 15 (see paragraph 20); and the CG 18 is connected to different types of telephone devices 24 i.e. video phone, see paragraph 19).

Regarding claim 33, Jin discloses Voice over Internet Protocol is used to communicate with the devices (see paragraphs 16-17).

Regarding claim 34, Jin discloses the connection to the devices is established using media gateway control protocol (the agent 13 uses MGCP protocol for connection, see paragraph 17).

Regarding claim 35, Jin discloses the network is attached to the Internet (the HFC network is attached to the Internet 12, see figure 1 and paragraph 16).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16-19, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin.

Regarding claim 16-19, and 36-37, Jin fails to explicitly disclose the network connected to Internet 12 is PSTN.

However, it would have been obvious to one having ordinary skill in the art at the time of invention was made to replace the HFC network of Jin with PSTN or POTS network for the PSTN or POTS network is widely used and existing traditional telephone network.

### ***Conclusion***

**Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

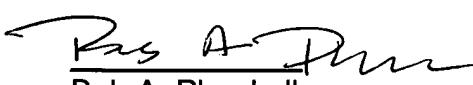
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Art Unit: 2661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tursday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Bob A. Phunkulh  
Primary Examiner  
TC 2600  
Art Unit 2661  
June 27, 2005

**BOB PHUNKULH**  
**PRIMARY EXAMINER**